

Message Text

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ACTION EUR-12

INFO OCT-01 ARA-10 EA-10 IO-10 ISO-00 CIAE-00 DODE-00

PM-03 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01

SP-02 SS-15 USIA-15 ERDA-07 ACDA-10 EB-07 NRC-07

OES-05 FEAE-00 MC-02 /136 W
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R 011901Z JUL 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC 1134

INFO AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY LONDON

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY TOKYO

AMCONSUL RIO DE JANEIRO

USMISSION EC BRUSSELS

USMISSION IAEA VIENNA

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E. O. 11652: N/A

TAGS: TECH, GW, BR

SUBJECT: GERMAN-BRAZILIAN NUCLEAR AGREEMENT

AN INFORMAL TRANSLATION OF THE GERMAN TEXT OF
SUBJECT AGREEMENT FOLLOWS:

AGREEMENT BETWEEN THE GOVERNMENT OF THE FEDERAL
REPUBLIC OF GERMANY AND THE GOVERNMENT OF THE
FEDERATIVE REPUBLIC OF BRAZIL CONCERNING
COOPERATION IN THE FIELD OF THE PEACEFUL USES
OF NUCLEAR ENERGY

THE GOVERNMENT OF THE FEDERAL REPUBLIC OF
GERMANY

AND

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THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF

BRAZIL

ON THE BASIS OF THE FRIENDLY RELATIONS EXISTING BETWEEN
THEIR COUNTRIES WHICH THEY ARE DETERMINED TO INTENSIFY,

MINDFUL OF AND IN CONTINUATION OF THE AGREEMENT
CONCLUDED BETWEEN THE CONTRACTING PARTIES ON JUNE 9,
1969, CONCERNING COOPERATION IN SCIENTIFIC RESEARCH AND
TECHNOLOGICAL DEVELOPMENT,

IN CONSIDERATION OF THE AGREEMENT OF JUNE 9, 1961 ABOUT
COOPERATION IN THE PEACEFUL USES OF ATOMIC ENERGY
BETWEEN THE EUROPEAN ATOMIC COMMUNITY AND THE
GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL,

IN CONSIDERATION OF THE PROGRESS IN SCIENTIFIC
COOPERATION BETWEEN THEIR COUNTRIES, ESPECIALLY IN THE
FIELD OF THE PEACEFUL USES OF NUCLEAR ENERGY,

CONVINCED THAT THE SUCCESSFUL SCIENTIFIC COOPERATION
BETWEEN THEIR COUNTRIES IN THE FIELD OF THE PEACEFUL
USES OF NUCLEAR ENERGY CREATES GOOD PRECONDITIONS FOR
INDUSTRIAL COOPERATION IN THIS FIELD,

AWARE THAT SUCH COOPERATION WILL BE OF ECONOMIC AND
SCIENTIFIC UTILITY FOR BOTH CONTRACTING PARTIES,

WITH REGARD FOR THE GUIDELINES OF OCTOBER 3, 1974, FOR
INDUSTRIAL COOPERATION BETWEEN THE FEDERAL REPUBLIC OF
GERMANY AND THE FEDERATIVE REPUBLIC OF BRAZIL IN THE
FIELD OF THE PEACEFUL USES OF NUCLEAR ENERGY,

ARE AGREED AS FOLLOWS:

ARTICLE I

(1) THE CONTRACTING PARTIES SUPPORT, WITHIN THE
FRAMEWORK OF THIS AGREEMENT, COOPERATION BETWEEN
SCIENTIFIC AND TECHNOLOGICAL RESEARCH INSTITUTIONS AND
ENTERPRISES IN THE TWO STATES, WHICH INCLUDES THE
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FOLLOWING:

PROSPECTING, MINING AND PROCESSING
OF URANIUM ORES AS WELL AS THE PRODUCTION OF
URANIUM COMPOUNDS,
PRODUCTION OF NUCLEAR REACTORS AND OTHER
NUCLEAR ENERGY FACILITIES AS WELL AS THEIR
COMPONENT PARTS,
URANIUM ENRICHMENT AND ENRICHMENT SERVICES,

PRODUCTION OF FUEL ELEMENTS AND REPROCESSING OF
IRRADIATED FUELS

(2) THE ABOVE-MENTIONED COOPERATION INCLUDES THE
EXCHANGE OF THE NECESSARY TECHNOLOGICAL INFORMATION.

(3) WITH REGARD TO THE SIGNIFICANCE WHICH FINANCING
INCLUDING THE PROVISION OF CREDIT HAS FOR THE ABOVE
MENTIONED COOPERATION, THE CONTRACTING PARTIES WILL
MAKE EFFORTS TO GRANT FINANCING AND CREDITS AT THE MOST

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PM-03 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-02 PRS-01

SP-02 SS-15 USIA-15 ERDA-07 ACDA-10 EB-07 NRC-07

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 1135

INFO AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

AMEMBASSY LONDON

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FAVORABLE CONDITIONS POSSIBLE UNDER THE REGULATIONS

EXISTING IN BOTH STATES.

ARTICLE 2

THE CONTRACTING PARTIES DECLARE THAT THEY COMMIT THEMSELVES TO THE PRINCIPLE OF THE NON-PROLIFERATION OF NUCLEAR WEAPONS.

ARTICLE 3

(1) EACH CONTRACTING PARTY WILL, ON APPLICATION OF AN EXPORTER AND UNDER ITS APPLICABLE REGULATIONS, GRANT UNCLASSIFIED

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EXPORT AUTHORIZATIONS FOR THE DELIVERY INTO THE TERRITORY OF THE OTHER CONTRACTING PARTY OF SOURCE AND SPECIAL FISSIONABLE MATERIAL AND OF EQUIPMENT AND MATERIALS WHICH ARE SPECIALLY PROVIDED OR PREPARED FOR THE PRODUCTION, THE UTILIZATION OR PROCESSING OF SPECIAL FISSIONABLE MATERIAL, AS WELL AS FOR THE TRANSFER OF RELEVANT TECHNOLOGICAL INFORMATION.

(2) SUCH DELIVERY OR TRANSFER PRESUMES THAT AN AGREEMENT HAS BEEN CONCLUDED WITH THE IAEA CONCERNING THE SAFEGUARDS MEASURES APPLICABLE TO THE RECEIVING PARTY, WHICH ENSURES THAT THESE NUCLEAR MATERIALS, EQUIPMENT AND FACILITIES AND THE SOURCE AND SPECIAL FISSIONABLE MATERIAL PRODUCED, PROCESSED OR USED IN THEM, AS WELL AS THE RELEVANT TECHNOLOGICAL INFORMATION, WILL NOT BE USED FOR NUCLEAR WEAPONS OR OTHER NUCLEAR EXPLOSIVES.

ARTICLE 4

(1) NUCLEAR MATERIALS, EQUIPMENT AND FACILITIES, AS WELL AS RELEVANT TECHNOLOGICAL INFORMATION, WHICH WERE EXPORTED OR TRANSFERRED FROM THE TERRITORY OF ONE CONTRACTING PARTY INTO THE TERRITORY OF THE OTHER, MAY ONLY BE EXPORTED, RE-EXPORTED OR TRANSFERRED FROM THE TERRITORY OF THE CONTRACTING PARTIES TO THIRD COUNTRIES, WHICH WERE NOT NUCLEAR WEAPONS STATES ON JANUARY 1, 1967, IF WITH RESPECT TO THE RECEIVING STATE AN AGREEMENT HAS BEEN CONCLUDED ABOUT SAFEGUARDS MEASURES AS PROVIDED IN ARTICLE 3.

(2) SENSITIVE NUCLEAR MATERIALS, EQUIPMENT AND FACILITIES, AS WELL AS RELEVANT TECHNOLOGICAL INFORMATION, WHICH WERE EXPORTED OR TRANSFERRED FROM THE TERRITORY OF A CONTRACTING PARTY INTO THE TERRITORY OF THE OTHER, MAY BE EXPORTED, RE-EXPORTED

OR TRANSFERRED TO THIRD COUNTRIES ONLY WITH THE
CONSENT OF THE SUPPLIER CONTRACTING PARTY.

(3) SENSITIVE NUCLEAR MATERIALS, EQUIPMENT AND
FACILITIES ARE:
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- A. URANIUM ENRICHED TO MORE THAN 20 PER CENT
U-235, U-233 AND PLUTONIUM WITH THE
EXCEPTION OF SMALL QUANTITIES OF THESE
MATERIALS WHICH ARE NECESSARY, FOR EXAMPLE,
FOR LABORATORY PURPOSES,
- B. FACILITIES FOR PRODUCTION OF FUEL ELEMENTS,
IF THEY ARE USED FOR THE PRODUCTION OF FUEL
ELEMENTS WHICH CONTAIN A MATERIAL MENTIONED
UNDER A. (ABOVE),
- C. FACILITIES FOR THE REPROCESSING OF
IRRADIATED FUEL ELEMENTS,
- D. URANIUM ENRICHMENT FACILITIES.

ARTICLE 5

(1) EACH CONTRACTING PARTY WILL TAKE THE MEASURES
WHICH ARE NECESSARY TO GUARANTEE THE PHYSICAL
PROTECTION OF THE NUCLEAR MATERIALS, EQUIPMENT AND
FACILITIES IN ITS TERRITORY AS WELL AS DURING
TRANSPORTATION BETWEEN THE TERRITORIES OF THE
CONTRACTING PARTIES AND IN THIRD COUNTRIES.

(2) THESE MEASURES WILL BE SO DESIGNED THAT THEY AVOID,
SO FAR AS POSSIBLE, DAMAGE, ACCIDENT, THEFT, SABOTAGE,
ROBBERY, MIS-SHIPMENT, DETERIORATION, EXCHANGE AND
OTHER RISKS.

(3) THE CONTRACTING PARTIES WILL AGREE ON SUITABLE
MEASURES FOR THIS PURPOSE.

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FM AMEMBASSY BONN

TO SECSTATE WASHDC 1136

INFO AMEMBASSY BRASILIA

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ARTICLE 6

THE MIXED COMMISSION ESTABLISHED BY THE AGREEMENT OF JUNE 9, 1969 ON COOPERATION IN SCIENTIFIC RESEARCH AND TECHNOLOGICAL DEVELOPMENT WILL GIVE DUE CONSIDERATION TO THE ACTIVITIES ENVISAGED UNDER THE PRESENT AGREEMENT AND WILL MAKE IF NECESSARY PROPOSALS FOR ITS FURTHER IMPLEMENTATION.

ARTICLE 7

AT THE REQUEST OF EITHER CONTRACTING PARTY, THE
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CONTRACTING PARTIES WILL CONSULT ON THE IMPLEMENTATION OF THIS AGREEMENT AND, IF NECESSARY, UNDERTAKE NEGOTIATIONS FOR ITS REVISION.

ARTICLE 8

(1) THE CONTRACTING PARTIES WILL ENDEAVOR TO RESOLVE DIFFERENCES OF OPINION ABOUT THE INTERPRETATION OF THIS AGREEMENT THROUGH DIPLOMATIC CHANNELS.

(2) IF DIFFERENCES OF OPINION CAN NOT BE RESOLVED IN THIS MANNER, AN ARBITRATION WILL TAKE PLACE AS IS PROVIDED IN ARTICLE 10 OF THE TREATY OF JUNE 7, 1972, BETWEEN THE CONTRACTING PARTIES CONCERNING THE ENTRY OF NUCLEAR-PROPELLED SHIPS INTO BRAZILIAN WATERS AND THEIR DOCKING IN BRAZILIAN PORTS.

ARTICLE 9

THE OBLIGATIONS OF THE FEDERAL REPUBLIC OF GERMANY UNDER THE AGREEMENT FOR THE FOUNDATION OF THE EUROPEAN COMMUNITY AND FOR THE FOUNDATION OF THE EUROPEAN ATOMIC COMMUNITY ARE NOT AFFECTED BY THIS AGREEMENT.

ARTICLE 10

THIS AGREEMENT IS ALSO APPLICABLE IN LAND BERLIN IN SO FAR AS THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY DOES NOT MAKE A CONTRARY DECLARATION TO THE GOVERNMENT OF THE FEDERATIVE REPUBLIC OF BRAZIL WITHIN THREE MONTHS AFTER THE ENTRY INTO FORCE OF THIS AGREEMENT.

ARTICLE 11

(1) THIS AGREEMENT WILL BE BROUGHT IN FORCE AS QUICKLY AS POSSIBLE BY EXCHANGE OF NOTES.

(2) THIS AGREEMENT WILL BE IN FORCE FOR 15 YEARS FROM THE DAY SET IN ACCORDANCE WITH SECTION 1 BY THE EXCHANGE OF NOTES AND WILL, IN SO FAR AS THE AGREEMENT IS NOT TERMINATED BY ONE OF THE CONTRACTING PARTIES AT UNCLASSIFIED

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LEAST 12 MONTHS BEFORE IT EXPIRES, TACITLY BE EXTENDED FOR PERIODS OF FIVE YEARS.

(3) THE SAFEGUARDS AND PHYSICAL SECURITY MEASURES REQUIRED AS A CONSEQUENCE OF THIS AGREEMENT WILL NOT BE AFFECTED BY THE TERMINATION OF THIS AGREEMENT.

DONE AT BONN ON JUNE 27, 1975 IN TWO ORIGINAL COPIES, ONE IN THE GERMAN AND ONE IN THE PORTUGUESE LANGUAGES, EACH TEXT BEING EQUALLY AUTHENTIC.

FOR THE GOVERNMENT OF THE FOR THE GOVERNMENT OF THE
FEDERAL REPUBLIC OF GERMANY FEDERATIVE REPUBLIC OF
BRAZIL

END INFORMAL TRANSLATION
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
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Current Classification: UNCLASSIFIED
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Control Number: n/a
Copy: SINGLE
Draft Date: 01 JUL 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BONN10706
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750228-0240
From: BONN
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1975/newtext/t19750793/aaaadfbs.tel
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Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
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Review Transfer Date:
Review Withdrawn Fields: n/a
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Status: NATIVE
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TAGS: TECH, GE, BR
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006